

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UMG RECORDINGS, INC.; CAPITAL  
RECORDS, LLC; WARNER BROS.  
RECORDS INC.; ATLANTIC RECORDING  
CORPORATION; ELEKTRA  
ENTERTAINMENT GROUP, INC.;  
FUELED BY RAMEN, LLC; NONESUCH  
RECORDS INC.; SONY MUSIC  
ENTERTAINMENT; SONY MUSIC  
ENTERTAINMENT US LATIN LLC;  
ARISTA RECORDS LLC; LAFACE  
RECORDS LLC; and ZOMBA RECORDING  
LLC,

Plaintiffs,

v.

TOFIG KURBANOV d/b/a FLVTO.BIZ and  
2CONV.COM;  
And DOES 1-10,

Defendants.

Case No.  
**1:18-CV-00957-CMH-TCB**

**DEFENDANT'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL MATERIALS**

Plaintiffs in this case appear to misunderstand the concept of a *two*-part Constitutional analysis, urging this Court not to consider additional materials provided by Defendant because the *first* prong of the two-part test has been resolved.

According to Plaintiffs, once a determination has been made (as the Fourth Circuit did) that Plaintiff met its *prima facie* burden of showing that the Defendant has sufficient minimum contacts with the forum, the Court need not consider the second prong of the test, which asks if an exercise of personal jurisdiction over the defendant would be constitutionally reasonable.

Not only would Plaintiffs have this Court forgo the five-factor reasonability test outlined by the Fourth Circuit in *Consulting Eng'rs Corp. v. Geometric Ltd.*, 561 F.3d 273, 277-79 (4th Cir. 2009) (citations omitted),<sup>1</sup> but they ask this Court also to interpret the remand from the Fourth Circuit – in which the Fourth Circuit instructed this Court to conduct the constitutionally-required reasonability analysis – to mean the precise opposite of what it says.

Although it is clear that Plaintiffs are anxious to bypass the required reasonability test, the Due Process Clause of the Constitution does not have an exception permitting such.

The documents submitted by Mr. Kurbanov are relevant to this Court's consideration of his Motion to Dismiss and his Motion to Supplement should be allowed.

Dated: February 9, 2021

Respectfully submitted,

**TOFIG KURBANOV**

By Counsel

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<sup>1</sup> In determining if an exercise of personal jurisdiction is constitutionally reasonable, the Fourth Circuit has dictated the consideration of five factors: (1) the burden on the defendant of litigating in the forum; (2) the interest of the forum state in adjudicating the dispute; (3) the plaintiff's interest in obtaining convenient and effective relief; (4) the shared interest of the states in obtaining efficient resolution of disputes; and (5) the interests of the states in furthering substantive social policies. *Consulting Eng'rs Corp. v. Geometric Ltd.*, 561 F.3d 273, 277-79 (4th Cir. 2009) (citations omitted).

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of February, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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